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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,700	04/02/2004	Moo Youl Kim	P25148	9714
7055 7590 03/23/2007 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER ALI, MOHAMMAD M	
			ART UNIT 3744	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			NOTIFICATION DATE	
3 MONTHS			03/23/2007	
			DELIVERY MODE ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/23/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/815,700	KIM ET AL.	
	Examiner	Art Unit	
	Mohammad M. Ali	3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7, 9-11 and 14-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 7, 9-11 and 14-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7, 9-11, 14-15, 17-31 are rejected under 35 U.S.C. 102(b) as being Anticipated by Frohbieter (4,722,200). Frohbieter discloses a refrigerator 10 comprising a freezing chamber 16 and cooling chambers 14, each of the freezing and cooling chambers configured to provide at least one space for receiving an article; an evaporator 28; a cooling air transmitter that transmits cooling air that has been heat-exchanged with the evaporator 28 towards of the freezing chamber 16 and cooling chamber 14, the transmitter comprising a blower fan 32; a first side wall 26 of a partition with a second side wall having end portions 34, 36 provided between the freezing chamber 16 and cooling chamber 14 by the partition walls formed by a plenum chamber 30 partition being configured to define a predetermined space therein and to provide a cooling air outlets through cross over passage 38 and an opening at the top end 36 of the cooling chamber 14 and freezing chamber 16, the evaporator 28 and the blower fan 32 being positioned within the predetermined space provided within the partition, the predetermined space defining a cooling air passage 30; the evaporator 28, the

blower fan 32, and the cooling air outlet outlets at 36 and 38, from the predetermined space 30 to the freezing chamber 16 and cooling chamber 14 being arranged in the predetermined space 30; a damper/baffle 44 is disposed in the partition 26 at the cooling air outlet 38. See Fig. 2 and column 2, line 26 to column 4 line 65.

**Response to Arguments**

Applicant's arguments filed 02/15/07 have been fully considered but they are not persuasive. The Applicant argued, "In setting forth the rejection, the Examiner asserted that FROHBIETER discloses, inter alia, a partition 26 between the freezing chamber 16 and the cooling chamber 14 by partition walls formed by a plenum chamber 30.

However, Applicants' claims define the partition as being provided to separate the freezing and cooling chambers, the partition being configured to define a predetermined space therein. Additionally, the evaporator and the blower fan are recited as being positioned within the predetermined space provided within the partition.

It is respectfully submitted that FROHBIETER clearly does not show at least this feature in the claimed combination. In this regard, the Examiner attempts to interpret the plenum as defining the predetermined space. However, the plenum walls are not part of the partition between the freezing and cooling chambers. The Examiner has correctly identified the partition 26 as being between the freezing and cooling chambers.

However, the partition 26 does not define a predetermined space therein." The Examiner disagrees. A partition between compartments is considered as a whole when it substantially separates two compartments. The wall 26 facing the refrigeration

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compartment 14 and other wall of the plenum 30 facing the freezer compartment 16 constitute a partition between the compartment 14 and 16. The plenum chamber does not constitute a separate complete body without the wall 26. Therefore, the rejection is proper and will stand. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad M. Ali whose telephone number is 571-272-4806. The examiner can normally be reached on maxiflex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on 571-272-4808. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
MOHAMMAD M. ALI  
PRIMARY EXAMINER